

IN THE DISTRICT COURT OF THE UNITED STATES FOR THE  
MIDDLE DISTRICT OF ALABAMA, NORTHERN DIVISION

HAZEL M. ROBY, )  
as administratrix of )  
the estate of Ronald )  
Tyrone Roby, deceased, )  
 )  
Plaintiff, )  
 )  
v. )  
 )  
BENTON EXPRESS, INC., )  
 )  
Defendant. )

CIVIL ACTION NO.  
2:05cv494-MHT

ORDER

As explained at the on-the-record pretrial hearing on  
February 22, 2006, it is ORDERED as follows:

- (1) Defendant Benton Express, Inc.'s objections to  
magistrate judge's discovery orders (Doc. No.  
90) are sustained in part and overruled in part.
- (2) Defendant Benton Express, Inc.'s motion to set  
aside magistrate judge's discovery orders (Doc.  
No. 90) is granted in part and denied in part.
- (3) The magistrate judge's order granting plaintiff  
Hazel Roby's motion to compel (Doc. No. 71) and

order denying defendant Benton Express, Inc.'s motion to reconsider (Doc. No. 78) are affirmed in part and vacated in part.

(4) Defendant Benton Express, Inc. is to produce, forthwith, all documents related to the workers' compensation case file, except those which it maintains are subject to attorney-client or work-product privilege.

(5) For those documents that defendant Benton Express, Inc. maintains are subject to attorney-client or work-product privilege, it is to produce, forthwith, a privilege log and submit copies of the documents to the court for in-camera review.

It is further ORDERED that this matter is referred back to the magistrate judge for further proceedings to determine which documents are privileged and should not be produced and which documents are not privileged and should be produced.

As the court noted at the on-the-record pretrial hearing on February 22, 2006, the workers' compensation case file is clearly relevant for the purposes of discovery. Accordingly, it is further ORDERED that the question of whether to impose sanctions on defendant Benton Express, Inc. for advancing their relevance argument is referred to the magistrate judge.

It is further ORDERED that discovery in this case is reopened for plaintiff Hazel Roby for a period of ten days, which will begin to run from the date this order is entered. Such discovery is limited only to evidence related to the recently disclosed workers' compensation case file.

DONE, this the 7th day of March, 2006.

/s/ Myron H. Thompson  
UNITED STATES DISTRICT JUDGE